



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PETITION UNDER 37 C.F.R§ 1.47(a)**

MAY 31 2002

OFFICE OF PETITIONS

Sir:

In support of the above-identified patent application and pursuant to 37 C.F.R. § 1.47(a), Applicants hereby submit a petition under 37 C.F.R. § 1.47(a) by Richard B. Love, the attorney of record in the above-identified application, detailing the proofs that Martin Bednar cannot be reached to execute the Declaration and Power of Attorney.

I, Richard B. Love, being the attorney of record and authorized representative of the Assignee of the above-identified application, hereby declare that:

1. This declaration is made as to the facts which are relied upon to establish the diligent efforts made to secure the execution of the Declaration and Power of Attorney by inventor Martin Bednar, for the above-identified application in the United States Patent and Trademark Office.
2. This declaration is being made on facts of which I have first hand knowledge.

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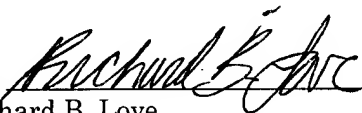
3. Martin Bednar is a named inventor of the above-identified application.
4. The last known address for Martin Bednar was 33 Barlett Bay Road, South Burlington, Vermont 05403, U.S.A.
5. On April 18, 2001, my assistant Yvonne Carter, sent a letter to Martin Benard by Federal Express overnight courier, enclosing (a) a copy of the patent application titled **“Co-administration of a Thrombolytic and an anti-CD18 Antibody,”** which designates Martin Bednar, Cordell Gross and Roger Thomas as Inventors; and (b) an unexecuted Declaration and Power of Attorney and an unexecuted Assignment for signature by Martin Bednar. (Attached is copy of the cover letter, with attachments, sent to Martin Bednar in the above-captioned application).
6. After two attempts to have the documents delivered, on May 24, 2001 Yvonne Carter received a telephone call from Federal Express courier service explaining that Martin Bednar no longer resided at 33 Barlett Bay Road, South Burlington, Vermont 05403. Additionally, Yvonne Carter was informed that Martin Bednar had not been a resident of said address for two years, and that there was no forwarding address available.
7. On June 5, 2001, Yvonne Carter contacted last known place of employment of Martin Bednar (The University of Vermont). Joyce Hunt in the Human Resource department of the University of Vermont informed Yvonne Carter that Martin Bednar was employed by the University of Vermont from July 1, 1992 through May 17, 1999, and that no forwarding address was provided to the University of Vermont on or after the termination of Martin Bendar's employment with the University of Vermont.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Please charge Deposit Account No. 07-0630 in the amount of \$130 to cover the cost of the petition. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

Respectfully submitted,  
GENENTECH, INC.

Date: June 11, 2001

By:   
Richard B. Love  
Reg. No. 34,659  
Telephone No. (650) 225-5530



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